IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 14267 of 2007

For Approval and Signature:

HONOURABLE MR.JUSTICE AKSHAY H.MEHTA

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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SONGARA VISHVAJIT JAYDEVSINH - Petitioner(s)
Versus
THE STATE OF GUJARAT & 1 - Respondent(s)

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Appearance :
MR KIRIT R PATEL for Petitioner(s) : 1,
MR KRUNAL PANDYA, ASSTT GOVERNMENT PLEADER for Respondents

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CORAM : HONOURABLE MR.JUSTICE AKSHAY H.MEHTA

Date : 15/06/2007

ORAL JUDGMENT

1. **RULE.** Mr. Krunal Pandya, learned Assistant Government Pleader, waives service of Rule on behalf of the respondents.

2. By filing this petition, the petitioner seeks

direction upon respondent No.2 to carry out necessary correction in respect of his birth date. It is the say of the petitioner that he was born on 18.08.1985. However, in the birth certificate, the date has been wrongly mentioned as 18.09.1984. When he came to learn about the discrepancy, he approached respondent No.2 authority with a request to make necessary correction. However, respondent No.2 declined to do so. Hence, the petitioner has approached this Court, seeking the relief as stated in para 8(B) of the petition.

3. I have heard Mr. Kirit R. Patel, learned advocate for the petitioner, and Mr. Krunal Pandya, learned Assistant Government Pleader for the respondents.

4. In support of his case, Mr. Patel has cited a decision of this Court rendered in the case of Mehta Ruchira Nishitkumar Vs State of Gujarat and another, in Special Civil Application No.8121 of 2007 dated 20.04.2007.

5. I have perused the said decision closely. While rendering the said judgment, this Court has placed reliance on another decision of the learned Single Judge dated 09.10.2006 rendered in Special Civil Application No. 19683 of 2006 and its allied matters. The learned Single Judge, in that case, after referring to the relevant provisions of the Registration of Birth and Death Act, 1969, has

observed as under:

> “4.3. In pursuance of the aforesaid provision of Act as well as Rules, the respondent authority shall carry out necessary changes in the register upon arriving satisfaction as to change of birth date/ name on the basis of evidence laid by the petitioners.”

After referring to the said judgment, this Court has passed the following directions:

> “4. In view of the same, the respondent authority is directed that it shall consider the application of the petitioner for change in the date of birth in the birth certificate and upon arriving at satisfaction as to the change in date of birth, shall decide the application accordingly and intimate to the petitioner the decision within seven days thereafter.”

6. In view of the above, this petition deserves to be allowed. The respondent authority is directed to act in accordance with the directions contained in the aforesaid paragraph (paragraph 4 of the judgment rendered in Special Civil Application No. 8121 of 2007. The petition is, therefore, allowed. Rule is made absolute.

(AKSHAY H. MEHTA, J.)

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